



Senate Bill 81

*Charter Counties - Enforcement of Local Building Performance Laws
(Building Energy Performance Standards Act of 2022)*

MACo Position: **SUPPORT**

To: Education, Health, & Environmental
Affairs Committee

Date: February 2, 2022

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 81. The bill gives Maryland's charter counties more flexibility and leverage in enforcing local building codes.

Building codes start with a statewide model, the Maryland Building Performance Standards (MBPS), with locally adopted modifications. Some counties have opted to adopt codes that go further than MBPS, these local codes include Building Energy Performance Standards (BEPS).

Under current law, when a building is found in violation of BEPS, charter counties may only levy a civil fine up to \$1,000 (or much lesser-used criminal fines and penalties). This creates a potential perverse incentive – where a property owner may judge it cheaper to merely pay a nominal civil fine than comply with the energy standards. HB 61 seeks to more properly realign these incentives, by granting charter counties flexibility to impose fines up to \$10 per square foot of the gross floor area of a building, and to assess fines with recognition of the property's assessment. In other words, a large, profitable facility with the strongest incentive to flout the current rules would face more appropriately scaled consequences for doing so.

MACo supports SB 81 because it gives counties another “tool in the toolbox” to enforce local building codes, and to further the goals of energy efficiency. The General Assembly has granted local jurisdictions the ability to enact regulations most suitable for their locality and this legislation would grant charter counties the ability to enforce them with a proper incentive for compliance. Accordingly, MACo urges the Committee to issue a **FAVORABLE** report for SB 81.